

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

JANE DOES 1-9,

Plaintiffs,

vs.

COLLINS MURPHY, SHARON  
HAMMONDS, BRENDA F. WATKINS,  
LIMESTONE UNIVERSITY, MG  
FREESITES, LTD., d/b/a PORNHUB.COM,  
MG FREESITES II LTD., MINDGEEK  
S.A.R.L., MINDGEEK USA, INC., MG  
BILLING LTD., and HAMMY MEDIA LTD.  
d/b/a XHAMSTER.COM, TRAFFICSTARS  
LTD., WISEBITS LTD, XHAMSTER IP  
HOLDINGS LTD, WISEBITS IP LTD.,

Defendants.

Case No.: 7:20-cv-00947

**DEFENDANT WISEBITS IP, LTD'S  
MEMORANDUM IN SUPPORT OF  
DEFENDANT WISEBITS IP, LTD'S  
MOTION TO SEAL**

JANE DOE,

Plaintiff,

vs.

LIMESTONE UNIVERSITY F/K/A  
LIMESTONE COLLEGE, COLLINS  
MURPHY, MG FREESITES, LTD., d/b/a  
PORNHUB.COM, and HAMMY MEDIA,  
LTD. d/b/a XHAMSTER.COM,

Defendants.

Case No.: 7:21-cv-03193

**DEFENDANT WISEBITS IP, LTD'S  
MEMORANDUM IN SUPPORT OF  
DEFENDANT WISEBITS IP, LTD'S  
MOTION TO SEAL**

Pursuant to Local Civil Rule 5.03, Defendant Wisebits IP, LTD ("Wisebits"), by and through its undersigned counsel, submits this Motion to Seal the accompanying Exhibit of its'

Memorandum in Support of Motion for Protective Order to Preclude the Reconvening of Deposition that contains a confidential document<sup>1</sup>.

### **DISCUSSION**

This Court “has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984). Before sealing a court document, the district court must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

#### **A. Public Notice and Opportunity to Object**

Wisebits’s counsel conferred with Plaintiffs’ counsel regarding sealing Wisebits’s Exhibit to the Memorandum in Support of Motion for Protective Order to Preclude the Reconvening of Deposition. Wisebits has no objection to its Motion to Seal being made public via the Pacer system such that any interested member of the public may object.

#### **B. Less Drastic Alternatives**

Less drastic alternatives to the sealing of the Wisebits’s Exhibit to the Memorandum in Support of Motion for Protective Order to Preclude the Reconvening of Deposition are not available.

#### **C. Reasons for Sealing**

The deposition transcript attached as Exhibit 3 to Wisebit’s Memorandum in Support of Motion for Protective Order to Preclude the Reconvening of Deposition was previously designated

---

<sup>1</sup> The document referred to by Wisebits IP, LTD may be disclosed pursuant to court order.

as Confidential – Attorneys’ Eyes Only. One of the reasons for this “Attorney’s Eyes Only” designation is that two of the Defendants in this case are direct competitors of each other. As such, pursuant to the terms of this Court’s protective order, the transcript requires a court order for disclosure. Wisebits must abide by the terms of the document and, out of an abundance of caution, cannot disclose the nature or contents of the document absent court order.

Furthermore, Wisebits is not aware of any broader public interest in this case or in the contents of the specific transcript at issue. This is a civil case involving a dispute between private parties. To the extent there is any public interest in this case, it would be more than satisfied by the pleadings and filings in this case that are publicly filed, including Plaintiffs’ Complaint and Amended Complaint as well as the multiple Defendants’ Answers, Motions, and supporting memoranda.

### **CONCLUSION**

For the foregoing reasons, Defendant Wisebits IP, LTD respectfully requests that its Motion to Seal be granted and that Exhibit 3 of Wisebits’s Memorandum in Support of Motion for Protective Order to Preclude the Reconvening of Deposition be filed under seal with the Court.

Respectfully Submitted,

/s/ Hannah Rogers Metcalfe  
Hannah Rogers Metcalfe, Fed ID. 9943  
Metcalfe & Atkinson, LLC  
1395 South Church Street  
Greenville, South Carolina 29605  
(864) 214-2319

Evan Fray-Witzer (*pro hac vice*)  
CIAMPA FRAY-WITZER, LLP  
20 Park Plaza, Suite 505  
Boston, Massachusetts 02116

Telephone: 617-426-0000

Facsimile: 617-423-4855

[Evan@CFWLegal.com](mailto:Evan@CFWLegal.com)

Valentin D. Gurvits (*pro hac vice*)

Frank Scardino (*pro hac vice*)

BOSTON LAW GROUP, PC

825 Beacon Street, Suite 20

Newton Centre, Massachusetts 02459

Telephone: 617-928-1804

Facsimile: 617-928-1802

[vgurvits@bostonlawgroup.com](mailto:vgurvits@bostonlawgroup.com)

[frank@bostonlawgroup.com](mailto:frank@bostonlawgroup.com)

*Attorneys for Defendant Wisebits IP, LTD*

February 28, 2024